

REMARKS

With entry of the amendment, newly added claims 36-38 are pending. Claims 1-35 have been canceled. Claims 30-35 are rejected on various grounds, as summarized below. Applicants respectfully submit that the new claims are supported by the specification and original claims. Accordingly, no new matter has been added.

Examiner Interview of August 22, 2007

Applicants' undersigned representative conducted a telephone interview with Examiner James D. Anderson on August 22, 2007. Also present at the interview was Applicants' representative Molly Peck. Applicants wish to thank Examiner Anderson for the courtesy of his time and the assistance provided in the interview. In an Interview Summary mailed August 28, 2007, the Examiner indicated that "[f]avorable consideration would be given to claims [36-38] limited to the treatment of sepsis or septic shock" as discussed during the interview.

Rejection under 35 U.S.C. § 112, first paragraph- Enablement

In the Office action, claims 30-35 were rejected under 35 U.S.C. § 112, first paragraph, for failing to provide enablement for the treatment and/or prevention of a representative number of diseases associated with IL-8. Claims 30-35 have been canceled herein, rendering the rejection moot.

Newly added claims 36-38 directed to "A method for treating sepsis or septic shock..." are fully enabled by the specification. Examples 5-11 of the specification describe both *in vitro* and *in vivo* treatment of sepsis and conditions associated with septicemia. Additionally, on September 22, 2006, Applicants submitted the Declaration of Dr. Dong-Keun Song, M.D., Ph.D., which the Examiner indicated "support[ed] the treatment of septicemia in a patient." (Office action at pg. 8). Accordingly, Applicant's respectfully request withdrawal of the rejection as directed to claims 30-35 and further request allowance of claims 36-38.

Rejection under 35 U.S.C. § 112, first paragraph- Written Description

In the Office action claims 30-35 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. More specifically, the Examiner

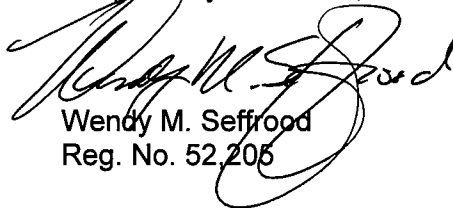
stated that "Applicant has not described what is meant by 'disease or disorder associated with suppression of neutrophil apoptosis...or excessive release of IL-8.'" (Office action at pg. 7). Claims 30-35 have been cancelled herein, rendering the rejection moot.

Newly added claims 36-38 fully comply with the written description requirement of 35 U.S.C. § 112, first paragraph. The language upon which the rejection is based does not appear in the newly added claims, which are instead directed to "A method for treating sepsis or septic shock...." As indicated above, Examples 5-11 of the specification describe both *in vitro* and *in vivo* treatment of sepsis and conditions associated with sepsis. Accordingly, Applicants respectfully submit that the disclosure shows that Applicants were in possession of the invention of claims 36-38 so as to comply with the written description requirement. Therefore, Applicants respectfully request withdrawal of the rejection as directed to claims 30-35 and further request allowance of claims 36-38.

CONCLUSION

In view of the foregoing, reconsideration and allowance of claims 36-38 is respectfully requested. The Examiner is invited to contact the undersigned by telephone at the Examiner's convenience should any issues remain with respect to the Application.

Respectfully submitted,



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